

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF ALABAMA
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August 18, 2008

NOTICE OF NON-COMPLIANCE

To: ALL COUNSEL OF RECORD

**Case Style: Trustees of the National Elevator Industry Pension Fund v.
Dallas C. Caviness, et al.**

Case Number: #2:08-cv-00162-MEF

Referenced Pleading: Request for Admissions

Docket Entry Number: #36

The referenced pleading was electronically filed on 8/15/2008 in this case and is not in compliance with the local rules and/or administrative procedures of this court.

*******This pleading is discovery and is not allowed pursuant to Local Rule 5.1 NON-FILING OF CIVIL DISCOVERY.**

The pleading is hereby STRICKEN from the record and the parties are instructed to disregard the entry of this pleading on the court's docket. Parties should be aware that the striking of this entry does not affect their responsibilities as to the discovery process.

Local Rule 5.1

NON-FILING OF CIVIL DISCOVERY

Unless the Court directs otherwise, in all civil actions other than inmate complaints challenging the conditions of confinement:

A. Interrogatories, requests for production, requests for admissions and responses thereto, and notices of depositions shall be served in accordance with Rule 5(b), FED.R.CIV.P., but shall not be filed with the Clerk except upon order of the Court or for use at trial or in connection with motions. The party responsible for service of the discovery material shall retain the original and become custodian.

B. No depositions shall be filed with the Clerk unless the Court directs otherwise, or unless in support of or in opposition to a motion. Counsel who notices a deposition shall be the custodian of the deposition and shall maintain the original for filing if the Court so directs.

C. If discovery materials are germane to any motion or response, only the relevant material need be filed with the motion or response.

D. During the pendency of any case the custodian of any discovery material shall provide to counsel for all other parties reasonable access to the material and an opportunity to duplicate the material at the expense of the copying party, and any other person may, with leave of Court, obtain a copy of any discovery material from its custodian upon payment of the expense of the copy.

E. When documentation of discovery not previously in the record is needed for appeal purposes, upon an application and order of the Court, or by stipulation of counsel, the necessary discovery papers shall be filed with the Clerk.

F. Any discovery material, depositions and trial exhibits filed with the Clerk will be disposed of by the Clerk as set out by M.D. Ala. LR 5.2.